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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Senegal (on behalf of the African Group): draft resolution

1998/... Situation of human rights in Burundi

The Commission on Human Rights,

Mindful of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its commitment to respect for the principles of the rule of law, which involve democracy, national unity, pluralism and respect for human rights and fundamental freedoms,

Stressing that all States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Considering Security Council resolution 1072 (1996) of 30 August 1996,

Recalling its resolution 1997/77 of 18 April 1997,

Noting with concern that violations of human rights and fundamental freedoms have taken place in several parts of the country,

Recalling that the primary responsibility for peace lies with the Government and people of Burundi,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundian crisis,

Acclaiming the decision of the Government of Burundi to launch a comprehensive peace process whose main objective is the initiation of nationwide political negotiations open to all parties,

Welcoming the decision of the Government of Burundi to commit itself to the Arusha process whose main objective is the resumption of negotiations open to all the parties concerned,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is indispensable in promoting the stabilization and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and search for peace, and urging the Government of Burundi to ensure the equal participation of women in Burundian society and to improve their living conditions,

Taking into account the regional summits, including those held in Arusha, Nairobi and Brazzaville, on the situation in the Great Lakes region, and in Burundi in particular,

Considering the decisions, conclusions and recommendations adopted by the Council of Ministers of the Organization of African Unity in Tripoli,

1. Takes note of the third report of the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/1988/72) and of his report to the General Assembly (A/52/505);

2. Takes note of the efforts exerted by the Government of Burundi to improve security and public order in the country, but expresses its concern at actions which sometimes lead to human rights violations;

3. Encourages the countries which imposed sanctions on Burundi to continue to evaluate the effects of the sanctions on the situation in Burundi;

4. Takes note of the process of closing down of the regroupment camps and exhorts the Government of Burundi to close down all the remaining regroupment camps in order to allow the return of displaced persons to their villages, as and when the situation permits;

5. Encourages the Government of Burundi to continue its actions aimed at associating all sectors of Burundian society in the work of national reconciliation and at the restoration of a constitutional order so as to bring back democracy and peace in the interest of the Burundian population;

6. Encourages the dialogue initiated between the Government of Burundi and the National Assembly to decide upon a mutually agreed transitional period, and also dialogue between Burundians, including the armed factions, with a view to putting in place new, democratically elected institutions;

7. Urges all parties to the conflict to end the cycle of violence and killing, notably the indiscriminate violence against the civilian population;

8. Expresses its concern at the forcible recruitment and kidnapping of children by non-governmental armed groups, and invites the Government of Burundi to take measures to combat that trend having in mind the non-militarization of Burundian society, particularly the children;

9. Exhorts the parties to facilitate humanitarian assistance operations in aid of war victims and to comply scrupulously with international humanitarian law;

10. Notes that the Government of Burundi has not yet published the findings of the inquiries conducted into the murder of three staff members of the International Committee of the Red Cross which took place on 4 June 1996 and again exhorts the Government to publish the findings of those inquiries;

11. Takes note of the efforts of the Government of Burundi aimed at ensuring that established legal safeguards for human rights and international human rights standards are fully respected and calls upon the Government to continue its efforts to that end;

12. Notes with concern the conditions of detention, in particular of persons liable to the death penalty, and encourages the Government to take more measures to rectify the situation;

13. Invites the Government of Burundi to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Government to accelerate the specific procedures for inquiries in case of violation of those rights;

14. Expresses its deep concern at the serious violations of human rights and international humanitarian law, in particular with regard to information reporting massacres, enforced or involuntary disappearances, and arbitrary arrests and detention, while also taking note of the encouraging signs in the combat against impunity and for the promotion of human rights on the part of the Government of Burundi;

15. Expresses its concern at the utilization, by the authorities, of civilians for military tasks such as participation in night patrols, mine-clearance campaigns or transport of military material, thereby putting the civilian population in danger;

16. Welcomes the efforts of the Government of Burundi to ensure the safety of staff of the United Nations and humanitarian organizations and that of individuals in Burundi serving in the same cause;

17. Commends the human rights observer mission in Burundi for the activities it is conducting in the field, welcomes the cooperation afforded to it by the Government of Burundi, and calls for the strengthening of that observer mission through voluntary contributions;

18. Supports the efforts of the mediators of the United Nations, the Organization of African Unity and the European Union in the search for a lasting solution to the problems of Burundi;

19. Calls upon all parties to the conflict in Burundi to work constructively with the international mediators in the search for a lasting peace;

20. Encourages the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing the further deterioration of the situation;

21. Expresses its concern at the large number of incidents as a result of which persons are injured or killed by the explosion of anti-personnel landmines and calls upon the Government of Burundi to take urgent measures, if necessary with the assistance of the international community, to prepare a programme of mine clearance and a public awareness campaign concerning mines;

22. Calls upon the international community to continue to provide humanitarian assistance needed by displaced persons and returnees in Burundi, so that the peace process initiated in the country may become a tangible sign of reconciliation;

23. Condemns the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

24. Requests States not to allow their territories to be used as bases for incursions or attacks against another State, in violation of the principles of international law, including the Charter of the United Nations;

25. Supports the implementation by the United Nations High Commissioner for Human Rights of a programme of assistance designed for members of the armed forces and the police in the field of human rights and legal assistance;

26. Decides to extend the mandate of the Special Rapporteur for one year and ask him to submit an interim report on the situation of human rights in Burundi to the General Assembly at its fifty-third session, and a report to the Commission at its fifty-fifth session, requesting him to give his work a gender-specific dimension.